

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
Monday, January 24, 2011**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:06 A.M. on January 24, 2011 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico Virginia.

**BOARD MEMBERS
PRESENT:**

Florence Jones-Clarke, R.N., M.S., Vice President
Evelyn Lindsay, L.P.N.
Allison Gregory, R.N., L.N.P.
Joyce A. Hahn, Ph.D., A.P.R.N., NEC-BC
Louise D. Hartz, Citizen Member
William Traynham, L.P.N.

STAFF PRESENT:

Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director
Brenda Krohn, R.N., M.S., Deputy Executive Director
Gloria D. Mitchell, R.N., M.S.N., M.B.A., Deputy Executive Director (joined later)
Amy Davis, Executive Assistant
Krystal Blanton, Senior Discipline Specialist (joined later)

OTHERS PRESENT:

Howard M. Casway, Senior Assistant Attorney General
Nursing students from Fortis College and Bon Secours; Nurse Aide students from Louisa County Public Schools

**ESTABLISHMENT OF
A QUORUM:**

With six members of the Board present, a quorum was established.

FORMAL HEARINGS:

Andrea Hilton, C.N.A. Reinstatement Applicant 1401-121360
Ms. Hilton appeared.

Cynthia Gaines, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Lynn Taylor, court reporter, recorded the proceedings.

Patricia Sheehan, Senior Investigator, Department of Health Professions, Larry David, Probation Officer, Candice Fox, Case Manager, Home Again; and Laquetta Massey, cousin of Ms. Hilton were present and testified.

CLOSED MEETING:

Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 10:10 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Hilton. Additionally, Ms. Lindsay moved that Ms. Douglas, Ms. Krohn, Ms. Davis, and Mr. Casway attend

the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.
The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 10:58 A.M.

Ms. Lindsay moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.
The motion was seconded and carried unanimously.

Dr. Hahn moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Gaines and amended by the Board.
The motion was seconded and carried unanimously.

ACTION: Ms. Lindsay moved that the Board of Nursing deny the application for reinstatement of the nurse aide certificate of Andrea Hilton, continue the certificate on indefinite suspension but stay the suspension contingent upon Ms. Hilton's compliance with terms and conditions. The motion was seconded and carried. Mr. Traynham, Ms. Gregory, Ms. Jones-Clarke, Ms. Lindsay and Dr. Hahn were in favor of the motion. Ms. Hartz opposed the motion.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

RECESS: The Board recessed at 11:05 A.M.

RECONVENTION: The Board reconvened at 11:15 A.M.

FORMAL HEARINGS: **Anna Marie Morris, C.N.A. Reinstatement Applicant 1401-033834**
Ms. Morris did not appear.

Cynthia Gaines, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Lynn Taylor, court reporter, recorded the proceedings.

Vicky Fox, Senior Investigator, Department of Health Professions was present and testified.

CLOSED MEETING: Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 11:27 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Morris. Additionally, Ms. Lindsay moved that Ms. Douglas, Ms. Krohn, Ms. Davis and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.
The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 11:39 A.M.

Ms. Lindsay moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Dr. Hahn moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Gaines and amended by the Board.

The motion was seconded and carried unanimously.

ACTION:

Mr. Traynham moved that the Board of Nursing deny the application of Anna Marie Morris to reinstate her nurse aide certificate and continue the certification on indefinite suspension.

The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

Ms. Mitchell and Ms. Blanton joined the meeting.

FORMAL HEARINGS:

Jessica D. Veniskey, R.N. 0001-212308

Ms. Veniskey did not appear.

James Rutkowski, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Lynn Taylor, court reporter, recorded the proceedings.

Lynn Austin, Senior Investigator, Department of Health Professions and Leigh Kammerer, Intake Coordinator, Health Practitioners Monitoring Program were present and testified.

CLOSED MEETING:

Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 11:58 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Veniskey. Additionally, Ms. Lindsay moved that Ms. Douglas, Ms. Krohn, Ms. Mitchell, Ms. Davis, Ms. Blanton and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 12:15 P.M.

Ms. Lindsay moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Ms. Hartz moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Rutkowski and amended by the Board. The motion was seconded and carried unanimously.

ACTION:

Ms. Lindsay moved that the Board of Nursing continue the professional nursing license of Jessica Veniskey on indefinite suspension and further, indefinitely suspend Ms. Veniskey's right to renew her license for not less than two years. The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

RECESS:

The Board recessed at 12:17 P.M.

RECONVENTION:

The Board reconvened at 1:10 P.M.

Ms. Lindsay left the meeting.

FORMAL HEARINGS:

Brenda Patterson R.N. 0001-151319

Ms. Patterson appeared, accompanied by attorney, Greg Cassis.

David Kazzie, Adjudication Specialist represented the Commonwealth. Mr. Casway was legal counsel for the Board. Lynn Taylor, court reporter, recorded the proceedings.

Mr. Cassis requested a continuance based on the fact that subpoenaed witnesses did not appear at the hearing. The request for a continuance was denied.

Andrea Christian, Senior Investigator, Department of Health Professions; Karen Hale, R.N., Nurse Manager, Angela Hill, R.N., Intensive Care Unit Nurse; and Christine Berlin, R.N. were present and testified.

Ms. Douglas left the meeting.

CLOSED MEETING:

Mr. Traynham moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 4:03 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Patterson. Additionally, Mr. Traynham moved that Ms. Krohn, Ms. Blanton and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 4:59 P.M.

Mr. Traynham moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Ms. Gregory moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Kazzie and amended by the Board. The motion was seconded and carried unanimously.

ACTION:

Dr. Hahn moved that the Board of Nursing issue an order of reprimand to Brenda Patterson and place her professional nursing license on indefinite probation with terms for a period of not less than one year. The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

Ms. Lindsay re-joined the meeting.

FORMAL HEARINGS:

Debra R. Swingle, R.N. 0001-111710

Ms. Swingle appeared.

James Schliessmann, Assistant Attorney General and Tammy Jones, Adjudication Specialist represented the Commonwealth. Mr. Casway was legal counsel for the Board. Lynn Taylor, court reporter, recorded the proceedings.

Ann Hardy, Senior Investigator, Department of Health Professions; Jessica Ingram; Kevin Witty; and Amy Talley were present and testified.

CLOSED MEETING:

Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(7) of the *Code of Virginia* at 5:53 P.M. for consultation with and the provision of legal advice by the Assistant Attorney General in the matter of Ms. Swingle. Additionally Ms. Lindsay moved that Ms. Mitchell, Ms. Blanton and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary, and their presence will aid the Board in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 6:05 P.M.

Ms. Lindsay moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

CLOSED MEETING:

Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 6:15 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Swingle. Additionally, Ms. Lindsay moved that Ms. Mitchell, Ms. Blanton and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 6:28 P.M.

Ms. Lindsay moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Ms. Hartz moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Schliessmann and amended by the Board. The motion was seconded and carried unanimously.

ACTION:

Ms. Lindsay moved that the Board of Nursing revoke the professional nursing license of Debra Swingle.

The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

ADJOURNMENT:

The Board adjourned at 6:30 P.M.

Gloria D. Mitchell, R.N., M.S.N., M.B.A.
Deputy Executive Director